

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Estate of Liko Kenney

v.

Case No. 10-cv-181-PB

Town of Franconia, et al.

NOTICE OF RULING

Re: Document No. 49, Plaintiff's FRCP 59(e) Motion  
For Reconsideration

**Ruling:** The supplemental motion fails to address the deficiencies in the plaintiff's case. As I explained in the order granting the motion for summary judgment, much of the material that the plaintiff relied on in opposition to the motion was not in a form that would be admissible in evidence. When I considered only the materials of evidentiary quality, they were not sufficient to withstand the defendants' summary judgment challenge. The supplemental motion presents no new evidence, and argument, no matter how forcefully presented, cannot substitute for evidence. Motion denied.

Date: April 19, 2012

/s/Paul Barbadoro  
Paul Barbadoro  
United States District Judge

Cc: Charles F. O'Leary, Esq.  
Harold Burbank, Esq.  
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